

Order

Michigan Supreme Court
Lansing, Michigan

February 5, 2014

Robert P. Young, Jr.,
Chief Justice

147810

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

KENNETH A. COSTELLA,
Plaintiff-Appellee,

v

SC: 147810
COA: 310276
Wayne CC: 11-015152-AS

TAYLOR POLICE & FIRE RETIREMENT
SYSTEM,

Defendant-Appellant,

and

CITY OF TAYLOR,
Defendant-Appellee.


On order of the Court, the application for leave to appeal the August 27, 2013 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REINSTATE the March 26, 2012 order of the Wayne Circuit Court granting the defendants' motions for summary disposition, for the reasons stated in the Court of Appeals dissenting opinion. In particular, the circuit court did not clearly err in concluding that defendant Taylor Police and Fire Retirement System's final decision regarding the plaintiff's pension benefits was not contrary to law, was not arbitrary, capricious, or a clear abuse of discretion, and was supported by competent, material and substantial evidence on the whole record. See *VanZandt v State Employees' Retirement Sys*, 266 Mich App 579, 583-585 (2005).



t0129

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 5, 2014


Clerk